117TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 117–373
Part 1

NOAA CHIEF SCIENTIST ACT

JUNE 16, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Ms. JOHNSON of Texas, from the Committee on Science, Space, and Technology, submitted the following

R E P O R T

[To accompany H.R. 3952]

The Committee on Science, Space, and Technology, to whom was referred the bill (H.R. 3952) to strengthen the role of the Chief Scientist of the National Oceanic and Atmospheric Administration in order to promote scientific integrity and advance the Administration's world-class research and development portfolio, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

I. AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "NOAA Chief Scientist Act".

SEC. 2. AMENDMENT TO REORGANIZATION PLAN NO. 4 OF 1970 RELATING TO CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Subsection (d) of section 2 of Reorganization Plan No. 4 of 1970 (5 U.S.C. App) is amended to read as follows:

"(d)(1) There is in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration (in this subsection referred to as the 'Chief Scientist'), who shall be selected by the Administrator and compensated at the rate now or hereafter provided for Level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code. In selecting a Chief Scientist, the Administrator shall give due consideration to any recommendations for candidates which may be submitted by the National Academies of Sciences, Engineering, and Medicine, the National Oceanic and Atmospheric Administration Science Advisory Board, and other widely recognized, reputable, and diverse United States scientific or academic bodies, including minority serving institutions or other such bodies representing underrepresented populations. The Chief Scientist shall be the principal scientific adviser to the Administrator on science and technology policy and strategy, as well as scientific integrity, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who is, by reason of scientific education and experience, knowledgeable in the principles of scientific disciplines associated with the work of the Administration, and who has produced work of scientific merit through an established record of distinguished service and achievement.

"(2) The Chief Scientist shall—

"(A) adhere to any agency or department scientific integrity policy and—

"(i) provide written consent to all applicable scientific integrity and other relevant science and technology policies of the Administration prior to serving in such position, with such written consent to be made available on a publicly accessible website of the Administration;

"(ii) in conjunction with the Administrator and other members of Administration leadership, undergo all applicable training programs of the Administration which inform employees of their rights and responsibilities regarding the conduct of scientific research and communication with the media and the public regarding scientific research; and

"(iii) in coordination with the Administrator and other members of Administration leadership, make all practicable efforts to ensure Administration employees and contractors who are engaged in, supervise, or manage scientific activities, analyze or communicate information resulting from scientific activities, or use scientific information in policy, management, or regulatory decisions, adhere to established scientific integrity policies of the Administration;

"(B) provide policy and program direction for science and technology priorities of the Administration and facilitate integration and coordination of research efforts across line offices of the Administration, with other Federal agencies, and with the external scientific community, including through—

"(i) leading the development of a science and technology strategy of the Administration and issuing policy guidance to ensure that overarching Administration policy is aligned with science and technology goals and objectives;

"(ii) chairing the National Oceanic and Atmospheric Administration Science Council and serving as a liaison to the National Oceanic and Atmospheric Administration Science Advisory Board;

"(iii) providing oversight to ensure—

"(I) the Administration funds high priority and mission-aligned science and technology development, including through partnerships with the private sector, Cooperative Institutes, academia, nongovernmental organizations, and other Federal and non-Federal institutions; and

"(II) there is no unnecessary duplication of such science and technology development;

"(iv) ensuring the Administration attracts, retains, and promotes world class scientists and researchers from diverse backgrounds, experiences, and expertise;

"(v) promoting the health and professional development of the Administration's scientific workforce, including by promoting efforts to reduce assault, harassment, and discrimination that could hamper such health and development; and

"(vi) ensuring coordination across the scientific workforce and its conduct and application of science and technology with the Administration's most recent Diversity and Inclusion Strategic Plan;

"(C) under the direction of the Administrator, promote, communicate, and advocate for the Administration's science and technology portfolio and strategy to the broad domestic, Tribal, and international communities and Congress, represent the Administration in promoting and maintaining good public and community relations, and provide the widest practical and appropriate dissemination of science and technology information concerning the full range of the Administration's earth system authorities;

"(D) manage an Office of the Chief Scientist—

"(i) which shall be staffed by Federal employees of the Administration detailed to the office on a rotating basis, in a manner that promotes diversity of expertise, background, and to the extent practicable, ensures that each line office of the Administration is represented in the Office over time;

"(ii) in which there shall be a Deputy Chief Scientist, to be designated by the Administrator or Acting Administrator from among the Assistant Administrators on a rotational basis, as appropriate to their backgrounds or expertise, who shall advise and support the Chief Scientist and perform the functions and duties of the Chief Scientist for not more than one year in the event the Chief Scientist is unable to carry out the duties of the Office, or in the event of a vacancy in such position; and

"(iii) which may utilize contractors pursuant to applicable laws and regulations, and offer opportunities to fellows under existing programs; and

"(E) not less frequently than once each year, in coordination with the National Oceanic and Atmospheric Administration Science Council, produce and make publicly available a report that—

"(i) describes the Administration's implementation of the science and technology strategy and scientific accomplishments from the past year;

"(ii) details progress toward goals and challenges faced by the Administration's science and technology portfolio and scientific workforce;

"(iii) provides a summary of Administration-funded research, including—

"(I) the percentage of Administration-funded research that is funded intramurally;

"(II) the percentage of Administration-funded research that is funded extramurally, including the relative proportion of extramural research that is carried out by—

"(aa) the private sector;

"(bb) Cooperative Institutes;

"(cc) academia;

"(dd) nongovernmental organizations; and

"(ee) other categories as necessary; and

"(III) a summary of Administration-funded research that is transitioned to operations, applications, commercialization, and utilization; and

"(iv) provides reporting on scientific integrity actions, including by specifying the aggregate number of scientific and research misconduct cases, the number of consultations conducted, the number of allegations investigated, the number of findings of misconduct, and a summary of actions in response to such findings.

"(3) Nothing in this subsection may be construed as impeding the ability of the Administrator to select any person for the position of Chief Scientist the Administrator determines is qualified to serve in such position.".

(b) SAVING CLAUSE.—The individual serving as Chief Scientist of the National Oceanic and Atmospheric Administration on the day before the date of the enactment of this Act may continue to so serve until such time as the Administrator of the National Oceanic and Atmospheric Administration selects such a Chief Scientist in accordance with subsection (d) of section 2 of Reorganization Plan No. 4 of 1970 (5 U.S.C. App), as amended by subsection (a).

II. PURPOSE OF THE BILL

This bill directs the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to consider recommendations

and minimum qualifications when selecting a Chief Scientist for the agency. The bill also requires that the Chief Scientist adhere to and uphold all agency and departmental scientific integrity policies, and to advise on the agency's science and technology strategy.

III. Background and Need for the Legislation

The NOAA Chief Scientist is a Presidentially appointed position that was established in statute in 1986. Aside from defining the Chief Scientist as the principle scientific advisor to the NOAA Administrator, there is no clear guidance on the qualifications, responsibilities, and expectations for the Chief Scientist in current law. Prior to the selection of Dr. Rick Spinrad as NOAA Chief Scientist in 2014, the position required Senate confirmation. The role has frequently remained vacant despite it being a statutorily defined, and the agency has often relied on Acting Chief Scientists to fill the position. Additionally, there is no statutory requirement that the Chief Scientist adhere to the scientific integrity standards of the agency. The lack of clear expectations for the NOAA Chief Scientist has led to inconsistency in how this position has been carried out in the past.

As the primary scientific adviser to the NOAA Administrator, the role of NOAA Chief Scientist is one that warrants clear direction. H.R. 3952, the NOAA Chief Scientist Act, addresses the lack of direction on the selection, expectations, and responsibilities of the Chief Scientist. This includes requiring consideration of candidate recommendations from the scientific community, as well outlining minimum scientific qualifications for the position. As a senior scientific leader within NOAA, this bill outlines the Chief Scientist's critical role in both adhering to, and upholding, the agency's scientific integrity policy. Additionally, H.R. 3952 also requires the Chief Scientist to advise the NOAA Administrator on the agency's science and technology strategy and to produce an annual report on the scientific activities and accomplishments of the agency. By codifying these requirements, the NOAA Chief Scientist Act will help to strengthen an important advisory role within the agency, and support scientific integrity efforts at the highest levels of NOAA leadership.

IV. Committee Hearings

Pursuant to clause 3(c)(6) of House rule XIII, the Committee designates the following hearing as having been used to develop or consider the legislation:

On September 23, 2021, the Subcommittee on the Environment held a hearing titled "Advancing Earth System Science and Stewardship at NOAA." Dr. Rick Spinrad, Under Secretary of Commerce for Oceans and Atmosphere, and Administrator, National Oceanic and Atmospheric Administration, was the sole witness at this hearing. Chairwoman Eddie Bernice Johnson discussed the issue of scientific integrity with Administrator Spinrad, who had previously served as Chief Scientist for NOAA. He spoke about the importance of establishing best practices regarding scientific integrity as the norm and requiring NOAA employees to take scientific integrity policy and relevant trainings seriously.

V. Committee Consideration and Votes

The bill has bipartisan support and was introduced in the House on June 16, 2021 by Representative Mikie Sherrill, with Representative Randy Feenstra as the original cosponsor. The bill has 12 additional cosponsors, including Chairwoman Eddie Bernice Johnson. The bill was referred primarily to the House Committee on Science, Space, and Technology and sequentially to the House Committee on Natural Resources.

On April 5, 2022, the full Committee met to consider H.R. 3952, the NOAA Chief Scientist Act. Representative Sherrill offered an Amendment in the Nature of a Substitute (ANS) that made changes to incorporate bipartisan agreement on language to provide further clarity on the activities authorized in the bill. Representative Moore offered an amendment to ensure the Chief Scientist engages with Tribal communities when conducting outreach on behalf of the agency. Representative Posey offered an amendment to allow the NOAA Administrator to select any person for the role of Chief Scientist that they deem qualified for the position. Representative Casten offered an amendment that allows whoever is serving as Chief Scientist the day before enactment of this legislation to continue to serve in the role until a new Chief Scientist is selected per the criteria in this bill. All three offered amendments were passed by voice vote. The ANS, as amended, was also passed by voice vote. H.R. 3952, the NOAA Chief Scientist Act was favorably reported, as amended, by voice vote.

VI. Summary of Major Provisions of the Bill

The NOAA Chief Scientist Act provides selection criteria and outlines responsibilities for the position of NOAA Chief Scientist, a position crucial to upholding scientific integrity and advancing science and technology within the agency. The bill sets qualification requirements for the Chief Scientist position, establishes an Office of Chief Scientist and the position of Deputy Chief Scientist, and requires the Chief Scientist to publish an annual report on the agency's scientific activities and accomplishments.

VII. Section-by-Section Analysis (by Title and Section)

Sec 1.—Short title

Sec 2.—Amendment to the Reorganization Plan No. 4 of 1970

This section directs the NOAA Administrator to select a Chief Scientist who is to be the principal scientific adviser to the Administrator. The Chief Scientist is directed to adhere to agency and department scientific integrity policies and ensure that Administration leadership, employees, and contractors do the same. The Chief Scientist is also directed to provide policy and program direction for science and technology priorities and facilitate integration, coordination of science and technology research efforts across the agency and communicate these efforts across the Federal government and with the scientific community at large.

This bill also creates an Office of the Chief Scientist, which shall be staffed by NOAA employees, contractors, and fellows, and will include a Deputy Chief Scientist to be chosen from the Assistant Administrators on a rotating basis. Finally, it directs the Chief Sci-

entist, in coordination with the NOAA Science Council, to produce yearly public reports about progress and accomplishments pertaining to the agency's science and technology portfolio, Administration-funded research, and issues of scientific integrity.

VIII. COMMITTEE VIEWS

The Committee notes the importance of selecting a qualified and reputable Chief Scientist to advise the NOAA Administrator and engage with the broader scientific community on behalf of the agency. Removing the requirement for a Presidential appointment to fill this role, and instead directing the NOAA Administrator to select a candidate, is expected to reduce vacancies in this position and avoid reliance on an Acting Chief Scientist for extended periods of time. Providing parameters for consideration to guide the NOAA Administrator's selection of the Chief Scientist will allow an opportunity for public engagement in this process, help identify candidates of strong scientific reputation, and ensures that the Chief Scientist meets minimum scientific qualifications.

The establishment of the Office of the Chief Scientist, and the role of Deputy Chief Scientist, will support the Chief Scientist's efforts to carry out the activities authorized in this legislation. The Committee notes the importance of language that limits the Deputy Chief Scientist from serving as the Acting Chief Scientist for more than one year. This requirement will prevent any one person from executing the roles and responsibilities of the Chief Scientist in an acting capacity for an extended period of time. This requirement further emphasizes the need for the NOAA Administrator to select a Chief Scientist in a timely manner.

Requiring a senior leader like the Chief Scientist to adhere to and uphold the scientific integrity policies of the agency, and to provide public documentation of this commitment, elevates and emphasizes the importance of scientific integrity within senior leadership at the agency. An annual public report on NOAA's science and technology activities, intramural and extramural research, and scientific integrity actions, will enhance the transparency of the agency's scientific work. It will also support the communication of the agency's scientific accomplishments to the public and the scientific community. Additional Committee views are incorporated throughout the report.

IX. COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

X. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

No Congressional Budget Office Cost Estimate at time of report filing.

XI. Federal Mandates Statement

H.R. 3952 contains no unfunded mandates.

XII. Committee Oversight Findings and Recommendations

The Committee's oversight findings and recommendations are reflected in the body of this report.

XIII. Statement on General Performance Goals and Objectives

Pursuant to House rule XIII clause (3)(c)(4), the goals and objectives of H.R. 3952 are to provide criteria for the selection of a NOAA Chief Scientist, establish an Office of the Chief Scientist and Deputy Chief Scientist, and require the Chief Scientist to adhere to scientific integrity policies, advise on agency science and technology strategy, and publish an annual report.

XIV. Federal Advisory Committee Statement

H.R. 3952 does not create any advisory committees.

XV. Duplication of Federal Programs

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3952 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XVI. Earmark Identification

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3952 contains no earmarks, limited tax benefits, or limited tariff benefits.

XVII. Applicability to the Legislative Branch

The Committee finds that H.R. 3952 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

XVIII. Statement on Preemption of State, Local, or Tribal Law

This bill is not intended to preempt any state, local, or tribal law.

XIX. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

SECTION 2 OF THE REORGANIZATION PLAN NO. 4 OF 1970

[The italic typeface of the heading for section 2 of the Reorganization Plan No. 4 of 1978 appears in this manner in the original text.]

SEC. 2. *Establishment of Administration.* (a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration".

(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

[(d) There shall be in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration who shall be appointed by the President and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Chief Scientist shall be the principal scientific adviser to the Administrator, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who is, by reason of scientific education and experience, knowledgeable in the principles of oceanic, atmospheric, or other scientific disciplines important to the work of the Administration.**]**

(d)(1) There is in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration (in this subsection referred to as the "Chief Scientist"), who shall be selected by the Administrator and compensated at the rate now or hereafter provided for Level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code. In selecting a Chief Scientist, the Administrator shall give due consideration to any recommendations for candidates which may be submitted by the National Academies of Sciences, Engineering, and Medicine, the National Oceanic and Atmospheric Administration Science Advisory Board, and other widely recognized, reputable, and diverse United States scientific or academic bodies, including minority serving institutions or other such bodies representing underrepresented populations. The Chief Scientist shall be the principal scientific adviser to the Administrator on science and technology policy and strategy, as well as scientific integrity, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who

is, by reason of scientific education and experience, knowledgeable in the principles of scientific disciplines associated with the work of the Administration, and who has produced work of scientific merit through an established record of distinguished service and achievement.

(2) The Chief Scientist shall—

(A) adhere to any agency or department scientific integrity policy and—

(i) provide written consent to all applicable scientific integrity and other relevant science and technology policies of the Administration prior to serving in such position, with such written consent to be made available on a publicly accessible website of the Administration;

(ii) in conjunction with the Administrator and other members of Administration leadership, undergo all applicable training programs of the Administration which inform employees of their rights and responsibilities regarding the conduct of scientific research and communication with the media and the public regarding scientific research; and

(iii) in coordination with the Administrator and other members of Administration leadership, make all practicable efforts to ensure Administration employees and contractors who are engaged in, supervise, or manage scientific activities, analyze or communicate information resulting from scientific activities, or use scientific information in policy, management, or regulatory decisions, adhere to established scientific integrity policies of the Administration;

(B) provide policy and program direction for science and technology priorities of the Administration and facilitate integration and coordination of research efforts across line offices of the Administration, with other Federal agencies, and with the external scientific community, including through—

(i) leading the development of a science and technology strategy of the Administration and issuing policy guidance to ensure that overarching Administration policy is aligned with science and technology goals and objectives;

(ii) chairing the National Oceanic and Atmospheric Administration Science Council and serving as a liaison to the National Oceanic and Atmospheric Administration Science Advisory Board;

(iii) providing oversight to ensure—

(I) the Administration funds high priority and mission-aligned science and technology development, including through partnerships with the private sector, Cooperative Institutes, academia, nongovernmental organizations, and other Federal and non-Federal institutions; and

(II) there is no unnecessary duplication of such science and technology development;

(iv) ensuring the Administration attracts, retains, and promotes world class scientists and researchers from diverse backgrounds, experiences, and expertise;

(v) promoting the health and professional development of the Administration's scientific workforce, including by pro-

moting efforts to reduce assault, harassment, and discrimination that could hamper such health and development; and

(vi) ensuring coordination across the scientific workforce and its conduct and application of science and technology with the Administration's most recent Diversity and Inclusion Strategic Plan;

(C) under the direction of the Administrator, promote, communicate, and advocate for the Administration's science and technology portfolio and strategy to the broad domestic, Tribal, and international communities and Congress, represent the Administration in promoting and maintaining good public and community relations, and provide the widest practical and appropriate dissemination of science and technology information concerning the full range of the Administration's earth system authorities;

(D) manage an Office of the Chief Scientist—

(i) which shall be staffed by Federal employees of the Administration detailed to the office on a rotating basis, in a manner that promotes diversity of expertise, background, and to the extent practicable, ensures that each line office of the Administration is represented in the Office over time;

(ii) in which there shall be a Deputy Chief Scientist, to be designated by the Administrator or Acting Administrator from among the Assistant Administrators on a rotational basis, as appropriate to their backgrounds or expertise, who shall advise and support the Chief Scientist and perform the functions and duties of the Chief Scientist for not more than one year in the event the Chief Scientist is unable to carry out the duties of the Office, or in the event of a vacancy in such position; and

(iii) which may utilize contractors pursuant to applicable laws and regulations, and offer opportunities to fellows under existing programs; and

(E) not less frequently than once each year, in coordination with the National Oceanic and Atmospheric Administration Science Council, produce and make publicly available a report that—

(i) describes the Administration's implementation of the science and technology strategy and scientific accomplishments from the past year;

(ii) details progress toward goals and challenges faced by the Administration's science and technology portfolio and scientific workforce;

(iii) provides a summary of Administration-funded research, including—

(I) the percentage of Administration-funded research that is funded intramurally;

(II) the percentage of Administration-funded research that is funded extramurally, including the relative proportion of extramural research that is carried out by—

(aa) the private sector;

(bb) Cooperative Institutes;

(cc) academia;

(dd) nongovernmental organizations; and

(ee) other categories as necessary; and

(III) a summary of Administration-funded research that is transitioned to operations, applications, commercialization, and utilization; and

(iv) provides reporting on scientific integrity actions, including by specifying the aggregate number of scientific and research misconduct cases, the number of consultations conducted, the number of allegations investigated, the number of findings of misconduct, and a summary of actions in response to such findings.

(3) Nothing in this subsection may be construed as impeding the ability of the Administrator to select any person for the position of Chief Scientist the Administrator determines is qualified to serve in such position.

(e)(1) There shall be in the Administration a General Counsel and five Assistant Administrators, one of whom shall be the Assistant Administrator for Coastal Zone Management and one of whom shall be the Assistant Administrator for Fisheries. The General Counsel and each Assistant Administrator shall be appointed by the Secretary, subject to approval of the President, and shall be compensated at a rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(2) The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of the Administration.

(3) The Assistant Administrator for Coastal Zone Management shall be an individual who is, by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(4) The Assistant Administrator for Fisheries shall be responsible for all matters related to living marine resources which may arise in connection with the conduct of the functions of the Administration.

(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

XX. Exchange of Committee Correspondence

EDDIE BERNICE JOHNSON, Texas
CHAIRWOMAN

FRANK D. LUCAS, Oklahoma
RANKING MEMBER

Congress of the United States
House of Representatives
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
2321 RAYBURN HOUSE OFFICE BUILDING
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May 24, 2022

The Honorable Raúl M. Grijalva
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Grijalva,

I am writing you concerning H.R. 3952, the "NOAA Chief Scientist Act" which was referred to the Committee on Science, Space, and Technology and sequentially to the Committee on Natural Resources. I appreciate your willingness to work cooperatively on this bill. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Natural Resources. I acknowledge that you will waive further consideration of H.R. 3952, that this action is not a waiver of future jurisdictional claims by the Committee on Natural Resources over this subject matter.

I will make sure to include a copy of our exchange of letters in the *Congressional Record* and will support the appointment of conferees from the Committee on Natural Resources during any House-Senate conference involving this legislation. Thank you for your cooperation on this legislation.

Sincerely,

Eddie Bernice Johnson

Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology

cc:
The Honorable Nancy Pelosi, Speaker of the House
Ranking Member Frank D. Lucas, Committee on Science, Space, and Technology
Ranking Member Bruce Westerman, Committee on Natural Resources
Jason Smith, Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 24, 2022

The Honorable Eddie Bernice Johnson
Chair
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515

Dear Chair Johnson:

In recognition of the goal of expediting consideration of H.R. 3952, the "NOAA Chief Scientist Act," the Committee on Natural Resources agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee on Natural Resources.

The Committee on Natural Resources takes this action with the mutual understanding that, in doing so, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. Our Committee also reserves the right to seek appointment of conferees to any House-Senate conference involving this or similar legislation.

I also ask that a copy of our exchange of letters on this matter be included in the *Congressional Record*. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Frank Lucas, Ranking Member, Committee on Science, Space, and Technology
The Honorable Jason Smith, Parliamentarian

XXI. PROCEEDINGS OF THE FULL COMMITTEE MARKUP

MARKUPS: H.R. 3588, MATHEMATICAL AND STATISTICAL MODELING EDUCATION ACT; H.R. 3952, NOAA CHIEF SCIENTIST ACT; H.R. 6845, COMMERCIAL REMOTE SENSING AMENDMENT ACT OF 2022; H.R. 6933, COST-SHARE ACCOUNTABILITY ACT OF 2022; H.R. 7077, EMPOWERING THE U.S. FIRE ADMINISTRATION ACT

MARKUP

BEFORE THE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

OF THE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

APRIL 5, 2022

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H.R. 6845, COMMERCIAL REMOTE SENSING AMENDMENT ACT OF 2022

H.R. 3952, NOAA CHIEF SCIENTIST ACT

H.R. 7077, EMPOWERING THE U.S. FIRE ADMINISTRATION ACT

H.R. 3588, MATHEMATICAL AND STATISTICAL MODELING EDUCATIONACT

H.R. 6933, COST-SHARE ACCOUNTABILITY ACT OF 2022

TUESDAY, APRIL 5, 2022

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:04 a.m., in room 2318 of the Rayburn House Office Building, Hon. Eddie Bernice Johnson [Chairwoman of the Committee] presiding.

Chairwoman JOHNSON. Thank you very much, and good morning to everyone. The Committee will come to order. And without objection, the Chair is authorized to declare a recess at any time.

Pursuant to Committee rule, the House rule XI, the Chair announces that she may postpone roll call votes.

Today, the Committee is meeting both in person and virtually. I want to announce a couple reminders to the Members about the conduct of the hearing. First, the Members and staff who are attending in person may choose to be masked, but it is not a requirement. However, any individuals with symptoms or a positive test or exposure to someone with COVID–19 should wear a mask while present.

Members who are attending virtually should keep their video feed on as long as they are present in the hearing. Members are responsible for their own microphones. And please also keep your microphones muted until you are speaking.

Finally, if Members have documents they wish to submit to the record, please email them to the Committee Clerk, whose email address was circulated prior to the meeting.

Pursuant to notice, the Committee meets to consider the following measures: H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022;* H.R. 3952, the *NOAA Chief Scientist Act;* H.R. 7077, *Empowering the U.S. Fire Administration Act;* H.R. 3588, the *Mathematical and Statistical Modeling and Education Act;* and finally, H.R. 6933, the *Cost-Share Accountability Act of 2022.* Thank you very much.

Welcome to today's markup of five bipartisan bills. The first bill we consider is H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022,* which was introduced by Ranking Member Lucas and Mr. Perlmutter. This bill would amend current statute to provide for more transparency in the U.S. commercial space remote sensing licensing process. H.R. 6845 helps provide this Committee and the Congress with the necessary information to carry out its oversight function and to monitor the implementation of regulations of the U.S. commercial remote sensing industry, including any impacts on the industry's competitiveness. H.R. 6845 is a good-government bill and helps to ensure transparency in the licensing of commercial remote sensing systems.

Next, we will consider H.R. 3952, the *NOAA Chief Scientist Act.* I want to thank our Environment Subcommittee Chairwoman Mikie Sherrill for introducing this bipartisan legislation along with Research Subcommittee Ranking Member Randy Feenstra. This legislation sets strong scientific qualifications for the Chief Scientist position. The bill outlines additional responsibilities of the Chief Scientist in NOAA (National Oceanic and Atmospheric Administration). It is—it also elevates the importance of the Chief Scientist and his or her role in upholding scientific integrity and advancing science and technology at the agency. And finally, the bill establishes an Office of the Chief Scientist, as well as the position of Deputy Chief Scientist. I support the passage of this *NOAA Chief Scientist Act* and urge my colleagues to do the same.

The next bill we have to mark up is H.R. 7077, *Empowering the U.S. Fire Administration Act,* sponsored by Representative Ritchie Torres and cosponsored by several Members of the Committee. This bipartisan bill authorizes the U.S. Fire Administration (USFA) to conduct onsite investigations of major fires. Despite advances in fire codes, loss of life from building fires still occurs far too frequently. A tragic fire in Representative Torres' New York district in January claimed seventeen victims, including eight children. This bill would help bring to bear the expertise of the U.S. Fire Administration following major fires to contribute to what we can learn from these fires and how we can prevent them from occurring in the future. I urge my colleagues to support this important bill.

I want to thank Representatives Houlahan and Baird for sponsoring our next bill, H.R. 3588, the *Mathematical and Statistical Modeling Education Act.* Improving access to high-quality STEM (science, technology, engineering, and mathematics) education remains a top priority for this Committee. Every two years the National Assessment of Education Progress reminds us that we're—what we're doing now is not working for the majority of our Na-

tion's students. This bill will advance innovations to incorporate mathematical modeling across K through twelve curricula and ground those lessons in a real-world context. This will empower students to see mathematics as a tool they can use to solve the problems they see in their communities. We know this both increases learning and inspires more students to pursue STEM careers. I urge my colleagues to support this important bill.

Finally, we will consider H.R. 6933, the *Cost-Share Accountability Act of 2022,* which was introduced by Investigations and Oversight Subcommittee Ranking Member Mr. Obernolte and Chairman Foster. This is a commonsense bill to ensure that Congress is kept informed about instances where cost-share requirements at the Department of Energy (DOE) are reduced or eliminated. This is a straightforward, good-government bill, and I support its passage.

I look forward to a productive markup today, and I hope to be back in the hearing room very soon. I must tell you that my surgery and rehabilitation is going very well, but now I am going to pass the gavel to Ms. Lofgren, our distinguished Vice Chair—excuse me, to chair the remainder of this markup. Thank you, Chairwoman.

[The prepared statement of Chairwoman Johnson follows:]

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The first bill we will consider is H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022,* which was introduced by Ranking Member Lucas and Mr. Perlmutter. This bill would amend current statute to provide for more transparency in the U.S. commercial space remote sensing licensing process. H.R. 6845 helps provide this Committee and Congress with the necessary information to carry out its oversight function and to monitor the implementation of regulations on the U.S. commercial remote sensing industry, including any impacts on the industry's competitiveness.

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It also elevates the importance of the Chief Scientist and his or her role in upholding scientific integrity and advancing science and technology at the agency. Finally, the bill establishes an Office of the Chief Scientist, as well as the position of Deputy Chief Scientist. I support the passage of the *NOAA Chief Scientist Act,* and urge my colleagues to do the same.

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I look forward to a productive markup today, and I hope to be back in the hearing room very soon. But now I am going to pass the gavel over to Ms. Lofgren to chair the remainder of this markup.

Ms. LOFGREN [presiding]. Thank you, Chairwoman Johnson. And it's—I'm glad that your recovery is going so well, and I want to thank you for your opening statement.

I will simply say that I support all of these bipartisan bills today, and I look forward to a productive markup. And I will place a full statement in the record. I now recognize the Ranking Member for any opening remarks he would like to make.

Mr. LUCAS. Thank you, and thank you, Chairwoman Johnson, for holding today's markup. And I look forward to my colleague being back at this dais with us in very short time to continue to work on the Nation's business.

This morning, we will consider five bipartisan bills. These are what I call workhorse bills instead of show-horse bills, the great examples of consensus work we can do across the aisle to improve American science and research.

Our first bill is the *Commercial Remote Sensing* bill amendment, which I sponsored, and I'll go into more detail when we consider the bill. But for now, I'd like to thank Representative Perlmutter for working with me to support this growing industry.

Next on the docket is a bill to codify the role of Chief Scientist at NOAA. The Chief Scientist plays an important role at NOAA, advising the Administrator, providing scientific advice, and leading scientific integrity efforts. The Chief Scientist has long been a critical position at NOAA, and this bill simply recognizes the value of that role by making its current duties and responsibilities law. It also places a process in place for naming an acting Chief Scientist when the role is empty. In short, it ensures NOAA and its leadership will continue to receive the best scientific advice as they conduct all of NOAA's important missions around environmental and weather research, monitoring, prediction, and restoration. I'd like to thank Representative Sherrill for sponsoring this bill and Representative Feenstra for leading the Republican side.

Next up is a bill to empower the U.S. Fire Administration. The Fire Administration is housed within FEMA (Federal Emergency Management Agency), and it helps to strengthen our ability to prevent and respond to fires through research and education. This bill will make it easier for the U.S. Fire Administration to provide their expertise to local authorities by granting it the authority to spend specialists, researchers, investigators, fire protection engineers to assist with investigations of major fires. The U.S. Fire Administration has valuable resources in preventing, responding to, and investigating fires, and this bill ensures that State and local governments can access their knowledge and hopefully prevent major fires

in the future. I want to thank Representative Torres for his work on this, as well as the original cosponsors from our Committee, Representative Stevens, Meijer, and Gonzalez.

Following that bill, we'll consider the *Mathematical and Statistical Modeling Education Act,* which will help improve STEM education for U.S. students. Mathematics and statistical modeling is a skill set with broad applications across all STEM fields and even the social sciences. Statistical modeling can help us describe past events, understand current developments, and predict future outcomes. Teaching advanced modeling will prepare students to work with complex data sets. That in turn sets us up for more competitive, flexible work force. I'd like to express my appreciation to Representative Houlahan and Representative Baird for bringing this before the Committee.

Finally, we'll consider the *Cost-Share Accountability Act.* This is a good-government bill meant to improve accountability and transparency. It requires the Department of Energy to submit reports to Congress detailing when it has decided to modify or eliminate cost-sharing requirements for its research, development, demonstration, and commercial application activities. It doesn't hinder DOE's ability to modify cost-sharing requirements when necessary. Instead, it just makes those decisions transparent and publicly available. This in turn makes it easier for Congress to conduct oversight. It's a smart policy, and I thank Representative Obernolte for developing this bill following oversight hearings on this authority last year and Representative Foster for working across the aisle with him. I'm looking forward to a relatively quick markup today because of the bipartisan nature and thorough vetting of each bill under consideration.

With that, I'll end my remarks so we can get back to work. Thank you, Madam Chair.

[The prepared statement of Mr. Lucas follows:]

Thank you, Chairwoman Johnson, for holding today's markup. This morning we will consider five bipartisan bills. These are what I'd call workhorse bills instead of show horse bills. They're great examples of the consensus work we can do across the aisle to improve American science and research.

Our first bill is the Commercial Remote Sensing Amendment, which I sponsored. I'll go into more detail when we consider that bill, but for now I'd like to thank Rep. Perlmutter for working with me to support this growing industry.

Next on the docket is a bill to codify the role of Chief Scientist at NOAA. The Chief Scientist plays an important role at NOAA, advising the Administrator, providing scientific advice, and leading scientific integrity efforts. The Chief Scientist has long been a critical position at NOAA, and this bill simply recognizes the value of that role by making its current duties and responsibilities law. It also puts a process in place for naming an acting Chief Scientist when the role is empty. In short, it ensures NOAA and its leadership will continue to receive the best scientific advice as they conduct all of NOAA's important missions around environmental and weather research, monitoring, prediction, and restoration. I'd like to thank Representative Sherrill for sponsoring this bill and Representative Feenstra for leading the Republican side.

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Ms. LOFGREN. Thank you, Mr. Ranking Member.

Other Members are—may put their opening remarks into the record.

[The prepared statement of Ms. Lofgren follows:]

Good morning everyone, I'm glad to begin this markup of five bipartisan bills.Today we will consider H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022;* H.R. 3952, the *NOAA Chief Scientist Act;* H.R. 7077, the *Empowering the U.S. Fire Administration Act;* H.R. 3588, the *Mathematical and Statistical Modeling Education Act;* and H.R. 6933, the *Cost-Share Accountability Act of 2022.*

Ranking Member Lucas and Mr. Perlmutter's H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022,* will help to bring more transparency in our U.S. commercial space remote licensing process. This bill will allow for this Committee and Congress to carry out it's critical oversight function of the U.S. commercial remote sensing industry and will build transparency in the licensing of these systems.

Up next is H.R. 3952, the *NOAA Chief Scientist Act.* This legislation was introduced by Chairwoman Mikie Sherrill of the Subcommittee on Environment and Research and Technology Subcommittee Ranking Member Randy Feenstra. This bill will help shape a strong Chief Scientist position at NOAA, and emphasizes the importance of upholding scientific integrity. The bill also establishes both an Office of the Chief Scientist and the position of Deputy Chief Scientist. As a Members of this Committee, we understand how critically important it is to uphold scientific integrity, especially at our federal science facilities.

Third we will consider H.R. 7077, the *Empowering the U.S. Fire Administration Act,* which was sponsored by Representative Ritchie Torres of New York. This bipartisan bill will authorize the U.S. Fire Administration to conduct investigations of major fires on-site. We must be able to learn from tragic events like fires so we can work to make sure they don't happen again, and this bill will help to do just that.

Next will be H.R. 3588, the *Mathematical and Statistical Modeling Education Act.* This bill was brought forth by Representatives Houlahan and Baird to coordinate Federal research and development efforts to help scale up and modernize STEM education through mathematical and statistical modeling. In order to build a strong and diverse STEM workforce, we have to ensure students are well-equipped with the evolving needs of the future.

The last bill we will consider today is H.R. 6933, the *Cost-Share Accountability Act of 2022.* This bill, which was introduced by Investigations and Oversight Subcommittee Ranking Member Obernolte and Chairman Foster, will ensure Congress stays up to date on information regarding changes in cost-share requirements at the Department of Energy.

I'm confident we have a productive markup in front of us. From upholding scientific integrity at NOAA, making sure we learn from major fires and work to prevent them, improving access to high-quality STEM education, and more, we have five great bills to consider. I'm looking forward to moving each of these bills through the Committee today.

Thank you.

Ms. LOFGREN. We will now consider H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*. The Clerk will report the bill.

The CLERK. H.R. 6845, a bill——

[The bill follows:]

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117TH CONGRESS
1ST SESSION

H. R. 3952

To strengthen the role of the Chief Scientist of the National Oceanic and Atmospheric Administration in order to promote scientific integrity and advance the Administration's world-class research and development portfolio.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2021

Ms. SHERRILL (for herself and Mr. FEENSTRA) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To strengthen the role of the Chief Scientist of the National Oceanic and Atmospheric Administration in order to promote scientific integrity and advance the Administration's world-class research and development portfolio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NOAA Chief Scientist Act".

SEC. 2. AMENDMENT TO THE REORGANIZATION PLAN NO. 4 OF 1970.

Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App) is amended—

(1) by inserting after the first sentence the following: "The President shall, in appointing the Chief Scientist, give due consideration to any recommendations for appointments which may be submitted by the National Academies of Sciences, Engineering, and Medicine, the National Oceanic and Atmospheric Administration Science Advisory Board, or by other widely-recognized and reputable scientific or educational organizations.";

(2) after "principal scientific advisor to the Administrator", by inserting "on cross-cutting science and technology policy and strategy";

(3) after "to the work of the Administration", by inserting ", and who has produced work of scientific merit through an established record of distinguished service and achievement highly respected by the scientific community"; and

(4) by adding at the end the following: "The Chief Scientist shall—

"(1)(A) provide written consent to all applicable scientific integrity policies of the Administration prior to appointment, with such written consent to

be made available on a publicly accessible website of the Administration;

"(B) in conjunction with the Administrator and other members of Administration leadership, undergo all applicable training programs of the Administration which inform employees of their rights and responsibilities regarding the conduct of scientific research and communication with the media and the public regarding scientific research; and

"(C) in coordination with the Administrator and other members of Administration leadership, make all practicable efforts to ensure that Administration employees and contractors who are engaged in, supervise, or manage scientific activities, analyze or communicate information resulting from scientific activities, or use scientific information in policy, management, or regulatory decisions, adhere to established scientific integrity policies of the Administration;

"(2) provide policy and program direction for science and technology priorities at the Administration and facilitate integration and coordination of research efforts across line offices of the Administration, with other Federal agencies, and with the external scientific community, including through—

"(A) leading the development of science strategy at the Administration and issuing policy guidance to ensure that overarching Administration policy is aligned with science goals and objectives;

"(B) chairing the National Oceanic and Atmospheric Administration Science Council and serving as principal liaison to the National Oceanic and Atmospheric Administration Science Advisory Board;

"(C) providing oversight to ensure that the Administration funds only the highest-priority, most exemplary, meritorious, and mission-driven science, including through partnerships with the private sector, Cooperative Institutes, academia, non-governmental organizations, and other Federal and non-Federal institutions, and that there is no duplication of research efforts;

"(D) ensuring the Administration attracts, retains, and promotes world class scientists and researchers;

"(E) promoting the health and professional development of the Administration's scientific workforce; and

"(F) advancing diversity, equity, and inclusion in the Administration's scientific workforce and its conduct and application of science;

"(3) under the direction of the Administrator, promote, communicate, and advocate for the Administration's science portfolio and strategy to the broad external and international community and Congress, represent the Administration in promoting and maintaining good public and community relations, and provide the widest practical and appropriate dissemination of information concerning the climate, weather, oceans, fisheries, and coasts;

"(4) manage an Office of the Chief Scientist—

"(A) which shall be staffed by rotating career employees of the Administration, serving terms not greater than four years, in a manner that promotes diversity, equity, inclusion, leadership, and professional development, such that, to the maximum extent practicable, each line office of the Administration is given equal representation in the Office over time; and

"(B) in which one of the career employees described in subparagraph (A) shall serve as Deputy Chief Scientist, who shall perform the functions and duties of the Chief Scientist in

the event the latter is unable to carry out the duties of the office, or in the event of a vacancy in the office; and

"(5) not less frequently than once each year, in coordination with the National Oceanic and Atmospheric Administration Science Council, produce and make publicly available a report that—

"(A) describes scientific accomplishments of the Administration from the past year;

"(B) details progress towards goals and challenges faced by the Administration's research and development portfolio, including bibliometrics and other measures of scientific merit, and progress towards improving diversity, equity, and inclusion in the Administration's scientific workforce;

"(C) provides a summary of Administration-funded research, including—

"(i) the percentage of Administration-funded research that is funded intramurally;

"(ii) the percentage of Administration-funded research that is funded extramurally, including the relative propor-

tion of extramural research that is carried out by each of the following:

"(I) the private sector;

"(II) Cooperative Institutes;

"(III) academia;

"(IV) non-governmental organizations; and

"(V) other categories as necessary; and

"(iii) a summary of Administration-funded research that is transitioned to operations, applications, commercialization, and utilization; and

"(D) provides reporting on scientific integrity actions, including by specifying the aggregate number of scientific and research misconduct cases, the number of consultations conducted, the number of allegations that were investigated, and the number of findings of misconduct.".

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Ms. LOFGREN. Without objection, the bill is considered as read and open to amendment at any time.

Does anyone wish to be recognized to speak on the underlying bill?

Ms. SHERRILL. Madam Chair, I move to strike the last word.

Ms. LOFGREN. The gentlelady is recognized.

Ms. SHERRILL. The National Oceanic and Atmospheric Administration exercises jurisdiction over critical sectors of our economy linked to oceans and waterways, but it also has far-reaching scientific responsibilities for assessing climate and weather developments and informing every level of government and the American public with actionable information about the weather. Individuals in my district, small and large businesses, State and Federal agencies, they all rely on critical climate and weather data and predictions from NOAA to plan ahead, prepare, and make important decisions on a daily basis.

Because of the outsized impact of its science, NOAA deserves the highest level of scientific leadership. Currently, NOAA's Chief Scientist role lacks adequate guidance about necessary qualifications, eligibility, and responsibilities. My bill provides these elements in a framework that will help Congress ensure that the Chief Scientist selection meets the high scientific and professional standards necessary to support NOAA's scientific mission.

The bill provides clarity on the necessary qualifications of the Chief Scientist and specifically directs the Chief Scientist to adhere to and enforce high scientific integrity standards within NOAA. It also promotes transparency on this work by directing the Chief Scientist to issue public reports on NOAA's scientific work and on the scientific work funded by NOAA at outside institutions and universities.

As a scientific agency, NOAA should avoid politics. Americans rely on NOAA for accurate weather forecasts, which help them and their local governments plan ahead and prepare for dangerous weather like hurricanes and other natural disasters. NOAA's mission is essential to constituents like those in towns in my district in northern New Jersey who rely on NOAA weather predictions to understand the path and potential impacts of storms like Hurricane Ida and then prepare accordingly.

One woman who, along with her young children, had to be rescued from her home at night during Hurricane Ida said she had been told at 5 that the hurricane would pass to the west. As evidenced by the very short warning window for Hurricane Ida and the catastrophic damage that followed, we must constantly be working to improve NOAA's forecasting ability.

My bill would help do just that and would further preserve the status of NOAA as a neutral agency by prioritizing scientific credentials and consensus such as input from the National Academies of Science over political considerations in the Chief Scientist appointment.

The American public should never have to wonder whether a weather forecast is driven by scientific facts. This law preserves the public's trust by codifying the Chief Scientist responsibility to uphold principles of scientific integrity and discipline within NOAA's work force. That's why I'm so pleased to be joined by my colleague

from Iowa, Representative Feenstra, in offering this bipartisan effort to strengthen the Chief Scientist's role at NOAA.

Thank you, and with that, I yield the remainder of my time.

[The prepared statement of Ms. Sherrill follows:]

The National Oceanic and Atmospheric Administration exercises jurisdiction over critical sectors of our economy linked to oceans and waterways, but it also has far-reaching scientific responsibilities for assessing climate and weather developments and informing every level of government and the American public with actionable information about the weather. Individuals in my district, small and large businesses, state and federal agencies-they all rely on critical climate and weather data and predictions from NOAA to plan ahead, prepare, and make important decisions on a daily basis. Because of the outsized impact of its science, NOAA deserves the highest level of scientific leadership.

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The American public should never have to wonder whether a weather forecast is driven by scientific facts. This law preserves the public's trust by codifying the Chief Scientist's responsibility to uphold principles of scientific integrity and discipline within NOAA's workforce. That's why I am so pleased to be joined by Representative Feenstra in offering this bipartisan effort to strengthen the Chief Scientist's role at NOAA. Thank you.

Ms. LOFGREN. The gentlelady yields back. The gentleman Mr. Feenstra is recognized to strike the last word.

Mr. FEENSTRA. Thank you, Chairman Johnson and Ranking Member Lucas. I move to strike the last word.

The NOAA Chief Scientist plays an important role not just with NOAA but all the communities, researchers, and collaborators who work with NOAA. The Chief Scientist leads NOAA's scientific integrity work and ensures best practices, policies, and operations are carried out when it comes to science and research at NOAA. That is why codifying the roles and responsibilities of this position is important, and I was proud to co-lead this bill.

Thank you to my colleague on the Environment Subcommittee, Chairman Sherrill, for leading this bill with me. H.R. 3952 doesn't create a new position or change the traditional requirements of NOAA's Chief Scientist. It simply reinforces and codifies what has been done at NOAA for years. It directs the Chief Scientist to provide policy and program direction for science and technology prior-

ities. It also ensures that the Chief Scientist has an office which supports the role, including the Deputy Chief Scientist.

Additionally, the bill sets a process for preserving leadership with an acting Chief Scientist to carry out the position's most important duties in the Chief Scientist that has not been appointed.

Lastly, this bill adds transparency and additional reporting to the office of NOAA's scientific practices. In coordination with NOAA's Science Council, the science of—the Chief Scientist is required to produce annual public reports about progress and accomplishments within agency's science and technologies portfolio and administration fund research. Any issues of scientific integrity must be reported as well. That way Congress and administration leadership can conduct thorough oversight and step in if need be. All these are commonsense traditional practices for Federal agencies. This legislation demonstrates the value of NOAA's Chief Scientist and ensures its expertise is recognized.

Again, I want to thank my colleague Chairwoman Sherrill for working with me on introducing this bill, and I look forward to its passage and encourage all my colleagues on the Committee to support it. Thank you, and I yield back the balance of my time.

Ms. LOFGREN. The gentleman yields back. Ms. Ross is recognized to strike the last word.

Ms. ROSS. Thank you, Madam Chair. And thank you for holding this markup on these important pieces of legislation.

H.R. 3952, the *NOAA Chief Scientist Act,* provides greater clarity and specificity about the responsibility of NOAA's senior scientific officer. It also includes stringent qualification requirements to ensure that the Chief Scientist has the professional record to uphold and enforce scientific integrity standards.

As our country faces increasingly destructive natural disasters, we rely on NOAA's important work in coordination with emergency management agencies to monitor severe storms. To strengthen global efforts to combat the effects of climate change, NOAA needs a chief scientific leadership role that is clearly defined, held to the highest standards, and accountable to Congress and the Administration.

I'm pleased that this bill increases transparency within NOAA, including annual reporting requirements about accomplishments, funding, and goals. Over the past several years, we have only seen NOAA's data and information-sharing become more critical to weather management, marine life preservation, and climate change activities. With this trend guaranteed to continue, we must pass bills like this one to strengthen the agency, codify its leadership responsibilities, and bolster the integrity of its mission.

I'm so pleased that this is a bipartisan bill. I encourage my colleagues to support it, and I yield back.

Ms. LOFGREN. The gentlelady yields back.

As there are no additional Members seeking recognition on the underlying bill, we will now proceed with the amendments in the order of the roster.

The first amendment on the roster is an amendment offered by the gentlelady from New Jersey, Ms. Sherrill, and she's recognized to offer her amendment.

Ms. SHERRILL. Madam Chairwoman, I have an amendment at the desk.

Ms. LOFGREN. The Clerk will report the amendment.

The CLERK. Amendment in the nature of a substitute (ANS)——

[The amendment of Ms. Sherrill follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3952

OFFERED BY M__. _____

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "NOAA Chief Scientist Act".

SEC. 2. AMENDMENT TO REORGANIZATION PLAN NO. 4 OF 1970 RELATING TO CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Subsection (d) of section 2 of Reorganization Plan No. 4 of 1970 (5 U.S.C. App) is amended to read as follows:

"(d)(1) There is in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration (in this subsection referred to as the 'Chief Scientist'), who shall be selected by the Administrator and compensated at the rate now or hereafter provided for Level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code. In selecting a Chief Scientist, the Administrator shall give due consideration

to any recommendations for candidates which may be submitted by the National Academies of Sciences, Engineering, and Medicine, the National Oceanic and Atmospheric Administration Science Advisory Board, and other widely recognized, reputable, and diverse United States scientific or academic bodies, including minority serving institutions or other such bodies representing underrepresented populations. The Chief Scientist shall be the principal scientific adviser to the Administrator on science and technology policy and strategy, as well as scientific integrity, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who is, by reason of scientific education and experience, knowledgeable in the principles of scientific disciplines associated with the work of the Administration, and who has produced work of scientific merit through an established record of distinguished service and achievement.

"(2) The Chief Scientist shall—

"(A) adhere to any agency or department scientific integrity policy and—

"(i) provide written consent to all applicable scientific integrity and other relevant science and technology policies of the Administration prior to serving in such position, with such written consent to be made available on a

publicly accessible website of the Administration;

"(ii) in conjunction with the Administrator and other members of Administration leadership, undergo all applicable training programs of the Administration which inform employees of their rights and responsibilities regarding the conduct of scientific research and communication with the media and the public regarding scientific research; and

"(iii) in coordination with the Administrator and other members of Administration leadership, make all practicable efforts to ensure Administration employees and contractors who are engaged in, supervise, or manage scientific activities, analyze or communicate information resulting from scientific activities, or use scientific information in policy, management, or regulatory decisions, adhere to established scientific integrity policies of the Administration;

"(B) provide policy and program direction for science and technology priorities of the Administration and facilitate integration and coordination of research efforts across line offices of the Administra-

tion, with other Federal agencies, and with the external scientific community, including through—

"(i) leading the development of a science and technology strategy of the Administration and issuing policy guidance to ensure that overarching Administration policy is aligned with science and technology goals and objectives;

"(ii) chairing the National Oceanic and Atmospheric Administration Science Council and serving as a liaison to the National Oceanic and Atmospheric Administration Science Advisory Board;

"(iii) providing oversight to ensure—

"(I) the Administration funds high priority and mission-aligned science and technology development, including through partnerships with the private sector, Cooperative Institutes, academia, nongovernmental organizations, and other Federal and non-Federal institutions; and

"(II) there is no unnecessary duplication of such science and technology development;

"(iv) ensuring the Administration attracts, retains, and promotes world class scientists and

researchers from diverse backgrounds, experiences, and expertise;

"(v) promoting the health and professional development of the Administration's scientific workforce, including by promoting efforts to reduce assault, harassment, and discrimination that could hamper such health and development; and

"(vi) ensuring coordination across the scientific workforce and its conduct and application of science and technology with the Administration's most recent Diversity and Inclusion Strategic Plan;

"(C) under the direction of the Administrator, promote, communicate, and advocate for the Administration's science and technology portfolio and strategy to the broad domestic and international communities and Congress, represent the Administration in promoting and maintaining good public and community relations, and provide the widest practical and appropriate dissemination of science and technology information concerning the full range of the Administration's earth system authorities;

"(D) manage an Office of the Chief Scientist—

"(i) which shall be staffed by Federal employees of the Administration detailed to the office on a rotating basis, in a manner that promotes diversity of expertise, background, and to the extent practicable, ensures that each line office of the Administration is represented in the Office over time;

"(ii) in which there shall be a Deputy Chief Scientist, to be designated by the Administrator or Acting Administrator from among the Assistant Administrators on a rotational basis, as appropriate to their backgrounds or expertise, who shall advise and support the Chief Scientist and perform the functions and duties of the Chief Scientist for not more than one year in the event the Chief Scientist is unable to carry out the duties of the Office, or in the event of a vacancy in such position; and

"(iii) which may utilize contractors pursuant to applicable laws and regulations, and offer opportunities to fellows under existing programs; and

"(E) not less frequently than once each year, in coordination with the National Oceanic and Atmos-

pheric Administration Science Council, produce and make publicly available a report that—

"(i) describes the Administration's implementation of the science and technology strategy and scientific accomplishments from the past year;

"(ii) details progress toward goals and challenges faced by the Administration's science and technology portfolio and scientific workforce;

"(iii) provides a summary of Administration-funded research, including—

"(I) the percentage of Administration-funded research that is funded intramurally;

"(II) the percentage of Administration-funded research that is funded extramurally, including the relative proportion of extramural research that is carried out by—

"(aa) the private sector;

"(bb) Cooperative Institutes;

"(cc) academia;

"(dd) nongovernmental organizations; and

"(ee) other categories as necessary; and

"(III) a summary of Administration-funded research that is transitioned to operations, applications, commercialization, and utilization; and

"(iv) provides reporting on scientific integrity actions, including by specifying the aggregate number of scientific and research misconduct cases, the number of consultations conducted, the number of allegations investigated, the number of findings of misconduct, and a summary of actions in response to such findings.".

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Ms. LOFGREN. I ask unanimous consent to dispense with the reading. And without objection, that is so ordered. The gentlelady is recognized for five minutes to explain her amendment.

Ms. SHERRILL. Thank you, Madam Chairwoman. I am submitting this amendment in the nature of a substitute to H.R. 3952, the *NOAA Chief Scientist Act.* This ANS is the result of good-faith negotiations between majority and minority staff and the agency. And with that, I yield back.

Ms. LOFGREN. The gentlelady yields back. Are there further Members wishing to be heard on this amendment?

If not, then we will vote on this amendment—substitute amendment later.

The next amendment on the roster is an amendment offered by the gentlelady from Wisconsin, Ms. Moore. Ms. Moore was unable to attend today due to another obligation, so I would ask the Clerk to report the amendment for her.

The CLERK. Amendment to the amendment in the nature of a substitute to H.R.——

[The amendment of Ms. Moore follows:]

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AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3952 OFFERED BY MS. MOORE OF WISCONSIN

Page 5, line 17, insert ", Tribal," after "domestic".

Ms. LOFGREN. I ask unanimous consent to dispense with the reading. Without objection, that's so ordered.

I will offer Ms. Moore's amendment and recognize myself for that purpose.

I want to thank Ms. Moore for her amendment to ensure that tribal communities are included in the Chief Scientist external engagement regarding NOAA's science and technology portfolio and strategy. I support this amendment, and I urge my colleagues to do the same. And I yield back.

Are there additional Members who wish to be heard on Ms. Moore's amendment?

If not, then all who are in favor of this amendment will indicate by saying aye.

Those who are opposed will say no.

In the opinion of the Chair, the ayes have it.

The next amendment on the roster is an amendment offered by the gentleman from Florida, Mr. Posey. Mr. Posey is recognized to offer his amendment.

Mr. POSEY. Thank you, Madam Chair. I have an amendment at the desk.

Ms. LOFGREN. The Clerk will report the amendment.

The CLERK. Amendment to the amendment in the nature of a substitute to H.R.——

[The amendment of Mr. Posey follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3952 OFFERED BY MR. POSEY OF FLORIDA

Page 8, line 14, strike the closing quote and the second period.

Page 8, after line 14, insert the following:

"(3) Nothing in this subsection may be construed as impeding the ability of the Administrator to select any person for the position of Chief Scientist the Administrator determines is qualified to serve in such position.".

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Ms. LOFGREN. I ask unanimous consent to dispense with the reading. And without objection, that is ordered.

And the gentleman is now recognized for five minutes to explain his amendment.

Mr. POSEY. Thank you, Madam Chair. Very simple, the amendment would allow NOAA Administrator to select any person for the position of Chief Scientist that the Administrator determines is qualified to serve in such a position. And I appreciate my colleagues' support of this amendment, and I yield back.

Ms. LOFGREN. The gentleman yields back.

Are there additional Members wishing to be heard on this amendment?

If not, those who are in favor of the amendment will indicate by saying aye.

Those opposed will say no.

In the opinion of the Chair, the ayes have it. The amendment is agreed to.

The next amendment on the roster is an amendment offered by the gentleman from Illinois, Mr. Casten, who is now recognized to offer his amendment.

Mr. CASTEN. Thank you, Madam Chair. I have an amendment at the desk.

Ms. LOFGREN. The Clerk will report the amendment.

The CLERK. Amendment to the amendment in the nature of a substitute——

[The amendment of Mr. Casten follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3952

OFFERED BY M__. _____

Add at the end the following:

(b) SAVING CLAUSE.—The individual serving as Chief Scientist of the National Oceanic and Atmospheric Administration on the day before the date of the enactment of this Act may continue to so serve until such time as the Administrator of the National Oceanic and Atmospheric Administration selects such a Chief Scientist in accordance with subsection (d) of section 2 of Reorganization Plan No. 4 of 1970 (5 U.S.C. App), as amended by subsection (a).

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Ms. LOFGREN. I ask unanimous consent to dispense with the reading, and without objection, that is ordered. And the gentleman is recognized for five minutes to explain his amendment.

Mr. CASTEN. Thank you, Madam Chair. I'll use a lot less than five minutes here.

My amendment is a saving clause that allows the individual serving as Chief Scientist to continue serving until the Administrator of NOAA selects a new individual to serve in that capacity. This is noncontroversial language that's been vetted by Committee staff on both sides of the aisle that will allow for continuity as we work to bolster NOAA's ability to serve as a leading agency in the fight against climate change.

I'm a proud cosponsor of this act, which would strengthen the Chief Scientist role in developing an innovative vision for the future of climate-related research and development. I respectfully ask my colleagues for their support for this commonsense amendment, and I yield back.

Ms. LOFGREN. Are there additional Members wishing to be heard on this amendment?

Hearing no one——

Ms. STEVENS. Madam Chair——

Ms. LOFGREN. Pardon me? Who spoke? Ms. Stevens, you are recognized to strike the last word.

Ms. STEVENS. Thank you, Madam Chair, and thank you for holding today's markup to consider these very important pieces of legislation. I'm proud to be here with all of my colleagues on the Science Committee to do and deliver for the United States of America. And I'm very proud to co-lead the *Empowering of the U.S. Fire Administration Act,* along with my colleague Representative——

Ms. LOFGREN. Ms. Stevens, you realize that's the next bill.

Ms. STEVENS. Thank you. OK.

Ms. LOFGREN. If there's no further discussion on this amendment, and there appears to be none, the vote occurs on the amendment.

All in favor will say aye.

And those opposed will say no.

The ayes have it. The amendment is agreed to.

We'll now vote on the amendment in the nature of a substitute, as amended. The vote occurs on the amendment.

All in favor will say aye.

Those opposed will say no.

The amendment—in my judgment the ayes have it. The amendment is agreed to.

A reporting quorum being present, I move that the Committee on Science, Space, and Technology report H.R. 3952, as amended, to the House with the recommendation that the bill be approved.

And those in favor of the motion will now signify by saying aye.

Opposed will say no.

The ayes have it. The bill is favorably reported.

And without objection, the motion to reconsider is laid on the table. I ask unanimous consent that staff be authorized to make any necessary technical and conforming changes to the bill. And without objection, that is so ordered. Members will have two subse-

quent calendar days in which to submit supplemental minority or additional views on the measure.

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